

Executive Summary – Enforcement Matter – Case No. 47287

DCP Midstream, LP

RN102805272

Docket No. 2013-1402-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

East Texas Gas Plant, 2628 United States Highway 79 North, Carthage, Panola County

Type of Operation:

Natural gas compressor station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 20, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,214

Amount Deferred for Expedited Settlement: \$3,842

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,372

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 21, 2013

Date(s) of NOE(s): June 26, 2013

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DCP Midstream, LP
RN102805272
Docket No. 2013-1402-AIR-E

Violation Information

1. Failed to verify that Engine 15A was operating within 10% of the initial range established during performance testing during monthly Delta-P recordings in October 2012 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 63.6640(a), and Federal Operating Permit (“FOP”) No. 0955, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 5].
2. Failed to maintain engine horsepower within the range established during performance testing. Specifically, the horsepower for Engines 49 and 58A were not within the range established during performance testing in March and September 2012, respectively [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, GTC and STC No. 5].
3. Failed to maintain proper operational temperatures on engines. Specifically, Engine 14B experienced temperature excursions on May 24 and 25, 2012 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, GTC and STC No. 5].
4. Failed to submit an accurate report for 40 CFR Part 63, Subpart ZZZZ. Specifically, the report did not include temperature excursions that Engine 53A experienced from January 7 through 12, 2012 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(b), and FOP No. 0955, GTC and STC No. 5].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent implemented the following corrective measures on January 1, 2013:

- a. Implemented new data collection procedures consisting of an operations based checklist and assigned a Compliance Coordinator to monitor and review the monthly recorded horsepower and Delta-P data as it is gathered;
- b. Developed and implemented a Reciprocating Internal Combustion Engine Maximum Achievable Control Technology/Compliance Assurance Monitoring data collection system and process which includes an Operational Compliance Coordinator to monitor the data on a more frequent basis and a compliance checklist to verify the data for completeness and accuracy. Additionally, each engine was reviewed on an individual basis to verify that the data collection system for each engine is accurate; and
- c. Implemented a new system in which all draft FOP deviation reports and 40 CFR Part 63, Subpart ZZZZ reports are peer reviewed by Environmental Specialists for accuracy and completeness prior to finalization and submission to the TCEQ and/or Environmental Protection Agency. Additionally, new compliance checklists were

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developed and assigned to Operations Compliance Coordinators to help ensure that data collection is complete and accurate.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC-12, (713) 422-8938; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: William Holt, Plant Supervisor, DCP Midstream, LP, 2628 United States Highway 79 North, Carthage, Texas 75633-4465

Ghazi Shahin, Vice President Operations, DCP Midstream, LP, 5718 Westheimer, Suite 2000, Houston, Texas 77057

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned

1-Jul-2013

PCW

27-Sep-2013

Screening

25-Jul-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent DCP Midstream, LP

Reg. Ent. Ref. No. RN102805272

Facility/Site Region 5-Tyler

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 47287

Docket No. 2013-1402-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 4

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Kimberly Morales

EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$13,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

70.0%

Enhancement

Subtotals 2, 3, & 7

\$9,275

Notes

Enhancement for one NOV with same/similar violations, two orders with denial of liability, and one order without denial of liability.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$3,311

Economic Benefit

Total EB Amounts

\$206

Approx. Cost of Compliance

\$7,250

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$19,214

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$19,214

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$19,214

DEFERRAL

20.0%

Reduction

Adjustment

-\$3,842

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$15,372

Screening Date 25-Jul-2013

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PCW

Respondent DCP Midstream, LP

Policy Revision 3 (September 2011)

Case ID No. 47287

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102805272

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations, two orders with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 25-Jul-2013

Docket No. 2013-1402-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 3 (September 2011)

Case ID No. 47287

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102805272

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.100, 113.1090, and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") § 63.6640(a), and Federal Operating Permit ("FOP") No. 0955, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 5

Violation Description

Failed to verify that Engine 15A was operating within 10% of the initial range established during performance testing during monthly Delta-P recordings in October 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,750

One single event is recommended for the one engine.

Good Faith Efforts to Comply

25.0% Reduction

\$437

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective actions on January 1, 2013, prior to the June 26, 2013 NOE.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$2,538

This violation Final Assessed Penalty (adjusted for limits) \$2,538

Economic Benefit Worksheet

Respondent DCP Midstream, LP

Case ID No. 47287

Reg. Ent. Reference No. RN102805272

Media Air

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Oct-2012	1-Jan-2013	0.25	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to implement measures to verify that engines are operating within 10% of the initial range established during the performance test during monthly Delta-P recordings. The date required is the first date of noncompliance. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$25

Screening Date 25-Jul-2013
Respondent DCP Midstream, LP
Case ID No. 47287
Reg. Ent. Reference No. RN102805272
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Docket No. 2013-1402-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.100, 113.1090, and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, GTC and STC No. 5

Violation Description

Failed to maintain engine horsepower within the range established during performance testing. Specifically, the horsepower for Engines 49 and 58A were not within the range established during performance testing in March and September 2012, respectively.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

61 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended, one for each engine.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
		X	
N/A			(mark with x)

Notes

The Respondent completed corrective actions on January 1, 2013, prior to the June 26, 2013 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$10,875

This violation Final Assessed Penalty (adjusted for limits) \$10,875

Economic Benefit Worksheet

Respondent DCP Midstream, LP

Case ID No. 47287

Reg. Ent. Reference No. RN102805272

Media Air

Violation No. 2

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Mar-2012	1-Jan-2013	0.84	\$84	n/a	\$84

Notes for DELAYED costs

Estimated cost to implement measures to ensure engine horsepower is being maintained within the range established during performance testing. The date required is the first date of noncompliance. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$84

Screening Date 25-Jul-2013
Respondent DCP Midstream, LP
Case ID No. 47287
Reg. Ent. Reference No. RN102805272
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Docket No. 2013-1402-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number	3
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 113.100, 113.1090, and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.6640(a), and FOP No. O955, GTC and STC No. 5
Violation Description	Failed to maintain proper operational temperatures on engines. Specifically, Engine 14B experienced temperature excursions on May 24 and 25, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 2 Number of violation days

	daily	weekly	monthly	quarterly	semiannual	annual	single event
mark only one with an x				X			

Violation Base Penalty \$3,750

One quarterly event is recommended for the one engine.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)
Notes	The Respondent completed corrective actions on January 1, 2013, prior to the June 26, 2013 NOE.	

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent DCP Midstream, LP
Case ID No. 47287
Reg. Ent. Reference No. RN102805272
Media Air
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	24-May-2012	1-Jan-2013	0.61	\$91	n/a	\$91

Notes for DELAYED costs

Estimated cost to implement measures to ensure engine horsepower is being maintained within the range established during performance testing. The date required is the first date of noncompliance. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$91

Screening Date 25-Jul-2013

Docket No. 2013-1402-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 3 (September 2011)

Case ID No. 47287

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102805272

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 113.100, 113.1090, and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.6640(b), and FOP No. O955, GTC and STC No. 5

Violation Description

Failed to submit an accurate report for 40 CFR Part 63, Subpart ZZZZ. Specifically, the report did not include temperature excursions that Engine 53A experienced from January 7 through 12, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1.0%

Matrix Notes

The Respondent failed to comply with less than 30% of the rule requirement.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

364 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended for the inaccurate report.

Good Faith Efforts to Comply

25.0% Reduction

\$62

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on January 1, 2013, prior to the June 26, 2013 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent DCP Midstream, LP
Case ID No. 47287
Reg. Ent. Reference No. RN102805272
Media Air
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	26-Jul-2012	1-Jan-2013	0.44	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to implement measures to ensure the 40 CFR Part 63, Subpart ZZZZ report is accurate. The date required was the date the report was submitted. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$5



Compliance History Report

PENDING Compliance History Report for CN601229917, RN102805272, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601229917, DCP Midstream, LP

Classification: SATISFACTORY

Rating: 4.92

Regulated Entity: RN102805272, EAST TEXAS GAS PLANT

Classification: SATISFACTORY

Rating: 43.48

Complexity Points: 18

Repeat Violator: NO

CH Group: 03 - Oil and Gas Extraction

Location: 2628 US HIGHWAY 79 N CARTHAGE, TX 75633-4465, PANOLA COUNTY

TCEQ Region: REGION 05 - TYLER

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD000836221

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
65913

AIR OPERATING PERMITS PERMIT 955

AIR NEW SOURCE PERMITS PERMIT 8925

AIR NEW SOURCE PERMITS REGISTRATION 22625

AIR NEW SOURCE PERMITS REGISTRATION 23645

AIR NEW SOURCE PERMITS REGISTRATION 33626

AIR NEW SOURCE PERMITS REGISTRATION 37428

AIR NEW SOURCE PERMITS REGISTRATION 39728

AIR NEW SOURCE PERMITS AFS NUM 4836500003

AIR NEW SOURCE PERMITS REGISTRATION 54080

AIR NEW SOURCE PERMITS REGISTRATION 55155

AIR NEW SOURCE PERMITS REGISTRATION 79852

AIR NEW SOURCE PERMITS REGISTRATION 87470

AIR NEW SOURCE PERMITS REGISTRATION 96757

AIR NEW SOURCE PERMITS REGISTRATION 111714

AIR NEW SOURCE PERMITS REGISTRATION 111716

AIR NEW SOURCE PERMITS REGISTRATION 111718

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 32778

AIR OPERATING PERMITS ACCOUNT NUMBER PB0002N

AIR NEW SOURCE PERMITS ACCOUNT NUMBER PB0002N

AIR NEW SOURCE PERMITS REGISTRATION 14061

AIR NEW SOURCE PERMITS REGISTRATION 22648

AIR NEW SOURCE PERMITS PERMIT 33627

AIR NEW SOURCE PERMITS REGISTRATION 35782

AIR NEW SOURCE PERMITS REGISTRATION 39015

AIR NEW SOURCE PERMITS REGISTRATION 54894

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX432M1

AIR NEW SOURCE PERMITS REGISTRATION 55080

AIR NEW SOURCE PERMITS REGISTRATION 38824

AIR NEW SOURCE PERMITS REGISTRATION 33627

AIR NEW SOURCE PERMITS REGISTRATION 92321

AIR NEW SOURCE PERMITS REGISTRATION 101971

AIR NEW SOURCE PERMITS REGISTRATION 111713

AIR NEW SOURCE PERMITS REGISTRATION 111715

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1830033

AIR EMISSIONS INVENTORY ACCOUNT NUMBER PB0002N

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: September 27, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 27, 2008 to September 27, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kimberly Morales

Phone: (713) 422-8938

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/11/2010 ADMINORDER 2009-1718-AIR-E (1660 Order-Agreed Order With Denial)
- Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: STC 2F OP
- Description: Failure to submit the initial report within 24 hours of discovery of the event. Incident No. 121988 was discovered March 27, 2009 and the initial report was due to be submitted by March 28, 2009, but was not submitted until March 30, 2009 (2 days late). 30 TAC 101.201(a)(1) requires that the initial report be submitted within 24 hours of discovery of the event. FOP O-00955 STC 2F requires compliance with 30 TAC 101.201. 30 TAC 122.143(4) requires compliance with the conditions of the FOP.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: SC 1 PERMIT
STC 8A OP
- Description: Failure to prevent unauthorized emissions during an emissions event (Incident No. 121988) at Plant 1. Since DCP failed to properly report the emissions event as described above, the affirmative defense was not met pursuant to 30 TAC 101.222(b)(1). During the event, DCP released a total of 8,559 pounds of natural gas. Plant 1 is authorized NSR by Permit No. 8925 and there is no authorization for emissions from EPN 70.
- 2 Effective Date: 08/02/2012 ADMINORDER 2011-1816-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 1. A. OP
- Description: Failed to maintain less than three percent of the total number of valves in VOC service in a process unit as DTM
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 1. A. OP
- Description: Failed to conduct a weekly visual inspection of each pump in light liquid service for an indication of liquids dripping from pump seals.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.633(b)(3)(i)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 1. A. OP
- Description: Failed to repair an LDAR leak within 15 calendar days after the leak was detected.
- Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: General Terms and Conditions OP
Special Conditions No.1. PA
Special Terms and Conditions No. 9. OP
- Description: Failed to maintain emissions rates below permitted limits at the Flare (EPN 66).
- Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6600(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 5. OP

Description: Failed to limit the formaldehyde concentration to 350 ppb or less at 15% oxygen at Engine C-24A.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6600(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 5. OP

Description: failed to limit the formaldehyde concentration to 350 ppb or less at 15% oxygen at Engine C-30 (EPN 51A).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Conditions No. 1. PA
Special Terms and Conditions No. 9. OP

Description: Failed to maintain emissions rates below permitted limits at the Plant No. 1 Amine Still (EPN 73VNT).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Conditions No. 1. PA
Special Terms and Conditions No. 9. OP

Description: Failed to maintain emissions rates below permitted limits at the Plant No. 2 Amine Still (EPN 74VNT).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Conditions No. 1. PA
Special Terms and Conditions No. 9. OP

Description: Failed to maintain emissions rates below permitted limits at the Plant No. 3 Amine Still (EPN 75VNT).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain emissions rates below permitted limits at the Swing Unit No. 4 Amine Still (EPN 70).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Conditions No. 1. PA
Special Terms and Conditions No. 9. OP

Description: failed to maintain emissions rates below permitted limits at the Plant No. 5 Amine Still (EPN P-5VNT).

3 Effective Date: 12/15/2012 ADMINORDER 2012-1139-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)

Pending Compliance History Report for CN601229917, RN102805272, Rating Year 2013 which includes Compliance History (CH) components from September 27, 2008, through September 27, 2013.

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition No.1. PA

Special Terms and Conditions No. 9 OP

Description: Failed to comply with permitted emission rates during a stack test conducted on December 12, 2011 on Engine 17. Specifically, it was determined that the emission rate for CO was 17.48 pounds per hour ("lbs/hr"), exceeding the MAER of 3.30 lbs/hr. The unauthorized emissions from Engine 17 are estimated to be 15,314.4 pounds of CO from December 12, 2011 to January 26, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Terms and Conditions No. 1. A. OP

Description: Failed to repair valves no later than 15 days after a leak is detected. Specifically, from February 10 to June 3, 2011, eleven valves (Tag Nos. 102377, 103233, 103533, 104260, 104586, 104592, 104835, 106706, 106964, 107260, and 109126) were found to be leaking and were not repaired within 15 days after the leaks were detected.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(1)(C)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions No. 1 OP

Description: Failed to submit a 40 CFR Part 60 Subpart KKK semiannual report within 30 days after the end of the reporting period. Specifically, the reporting period ended on August 31, 2011, but the report was not submitted until October 4, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 22, 2008	(705531)
Item 2	November 24, 2008	(708811)
Item 3	February 11, 2009	(725819)
Item 4	May 28, 2009	(745382)
Item 5	December 22, 2009	(785437)
Item 6	January 11, 2010	(786963)
Item 7	April 27, 2010	(799727)
Item 8	July 28, 2010	(843042)
Item 9	August 25, 2010	(841154)
Item 10	January 11, 2011	(880916)
Item 11	March 31, 2011	(906848)
Item 12	October 26, 2011	(963399)
Item 13	August 23, 2012	(1028202)
Item 14	August 05, 2013	(1105101)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/26/2013	(1093276)	CN601229917
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.100		
		30 TAC Chapter 113, SubChapter C 113.1090		
		30 TAC Chapter 122, SubChapter B 122.143(4)		
		40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)		
		5C THSC Chapter 382 382.085(b)		
		General Terms and Conditions OP		
		Special Terms and Conditions OP		
	Description:	Failure to meet Delta-P specifications. EIC B19 (g)(1) MOD (2)(G)		

Pending Compliance History Report for CN601229917, RN102805272, Rating Year 2013 which includes Compliance History (CH) components from September 27, 2008, through September 27, 2013.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 113, SubChapter C 113.1090 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 5 OP		
Description:	Failure to maintain engine horsepower within the range established during the performance test. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 11 PERMIT Special Terms and Conditions 9 OP		
Description:	Failure to maintain a flame on the process flare. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter W 106.512(2)(C)(ii) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 9 OP		
Description:	DCP failed to obtain documentation of proper operation of the turbine by recorded measurement of NOx. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 1A OP		
Description:	Failure to repair leakers within 15 days of discovery. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(2) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 1A OP		
Description:	Failure to repair the following pressure release devices within 5 days after a release. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 7B OP		
Description:	Failure to report all instances of deviation. EIC B3 MOD (2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 30 TAC Chapter 122, SubChapter B 122.165(b) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to accurately certify a compliance period. EIC B3 MOD (2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) General Terms and Conditions OP Special Condition 6A PERMIT Special Terms and Conditions OP		
Description:	Failure to perform a stack test in the required time period. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 113, SubChapter C 113.1090 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Terms and Conditions 5 OP		
Description:	Failure to maintain proper operational temperatures on engines. EIC B19 (g)(1)		

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DCP MIDSTREAM, LP
RN102805272**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1402-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DCP Midstream, LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas compressor station at 2628 United States Highway 79 North in Carthage, Panola County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 1, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Two Hundred Fourteen Dollars (\$19,214) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Three Hundred Seventy-Two Dollars (\$15,372) of the administrative penalty and Three Thousand Eight

Hundred Forty-Two Dollars (\$3,842) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant on January 1, 2013:
 - a. Implemented new data collection procedures consisting of an operations based checklist and assigned a Compliance Coordinator to monitor and review the monthly recorded horsepower and Delta-P data as it is gathered;
 - b. Developed and implemented a Reciprocating Internal Combustion Engine Maximum Achievable Control Technology/Compliance Assurance Monitoring data collection system and process which includes an Operational Compliance Coordinator to monitor the data on a more frequent basis and a compliance checklist to verify the data for completeness and accuracy. Additionally, each engine was reviewed on an individual basis to verify that the data collection system for each engine is accurate; and
 - c. Implemented a new system in which all draft federal operating permit ("FOP") deviation reports and 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart ZZZZ reports are peer reviewed by Environmental Specialists for accuracy and completeness prior to finalization and submission to the TCEQ and/or Environmental Protection Agency. Additionally, new compliance checklists were developed and assigned to Operations Compliance Coordinators to help ensure that data collection is complete and accurate.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to verify that Engine 15A was operating within 10% of the initial range established during performance testing during monthly Delta-P recordings in October 2012, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 5, as documented during a record review conducted on May 21, 2013.
2. Failed to maintain engine horsepower within the range established during performance testing, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, GTC and STC No. 5, as documented during a record review conducted on May 21, 2013. Specifically, the horsepower for Engines 49 and 58A were not within the range established during performance testing in March and September 2012, respectively.
3. Failed to maintain proper operational temperatures on engines, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(a), and FOP No. 0955, GTC and STC No. 5, as documented during a record review conducted on May 21, 2013. Specifically, Engine 14B experienced temperature excursions on May 24 and 25, 2012.
4. Failed to submit an accurate report for 40 CFR Part 63, Subpart ZZZZ, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 113.1090, and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.6640(b), and FOP No. 0955, GTC and STC No. 5, as documented during a record review conducted on May 21, 2013. Specifically, the report did not include temperature excursions that Engine 53A experienced from January 7 through 12, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: DCP Midstream, LP, Docket No. 2013-1402-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Maurice J.
For the Executive Director

3/28/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ghazi Shahin
Signature

11/4/2013
Date

Ghazi Shahin
Name (Printed or typed)
Authorized Representative of
DCP Midstream, LP

OPS VP
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.